

It is hard to imagine that television programming could become any more vile and vulgar than it already is. Yet the Federal Communications Commission apparently believes we haven't reached the tolerable limits for crudity and promiscuity on the public airwaves.



The FCC is considering a change in broadcast indecency policies that would permit "isolated" expletives and "isolated" nudity to be aired on network television broadcasts. Under the change being considered, "deliberate and repetitive use of expletives in a patently offensive manner [would be] requisite to a finding of indecency." The Commission is debating whether to treat instances of nudity in the same fashion.

The proposed enforcement scheme is being referred to as the "egregious cases policy."

**FCC Chairman Julius**

**Genachowski** arbitrarily announced last September that the agency was going to limit its enforcement activity to "egregious cases" to reduce the backlog of pending complaints. As a result, the FCC discarded over a million consumer complaints, amounting to nearly 70 percent of its caseload.

Genachowski's action followed a U.S. Supreme Court decision earlier last year in which the High Court ruled that



the FCC's indecency enforcement standards were too vague. The Supreme Court ruled in a unanimous decision that the FCC had failed to give broadcasters fair notice that they could be fined for the airing of "fleeting expletives" and momentary nudity.

The cases that reached the Supreme Court were filed by the Fox and ABC Television networks, and were strongly backed by all the broadcast television corporations. The cases in question involved obscenities uttered during Billboard Music Award shows, and nudity on the police drama *NYPD Blue*. The FCC policy banned profane language during daytime hours, and also prohibited nudity if it was shown in a sexually provocative manner.

It is important to note that the Supreme Court did not rule that the indecency policy itself was unconstitutional.



It simply held that broadcasters had a right to be served notice in advance as to what the policy clearly prohibited. The FCC had the option of clarifying its policy in a way that provided broadcasters with adequate warning as to the nature of content which would be deemed objectionable.

Yet it appears now the FCC is prepared to open the floodgates to continuing intermittent depictions of nudity and expressions of obscene language in regular daytime



network television programs. If the policy change is implemented, network television productions will look and sound more like cable television programming. Broadcast television shows will be loaded with even more foul-mouthed dialogue and even more explicit storylines of debauchery, spliced together with now familiar depictions of the most gruesome violence possible.

"Today's television programming already goes well beyond the content parameters most parents find acceptable," says Bryan Fischer of the American Family Association. "If the FCC drops this standard, the networks will give us all the profanity and nudity they think they can get away with, and keep pushing the envelope."



"The pressure for this is coming from the broadcast



networks, who don't want to be accountable to anyone for their content," Fischer continues. "But the airwaves are owned by the American people, and the FCC is supposed to be a responsible steward of the airwaves for their true owners."

Tim Winter, President of the Parents Television Council, agrees. "The FCC's duty is to represent the

interests of the American public, not the interests of the entertainment industry. Either material is legally indecent or not. It is unnecessary for indecent content to be repeated many times in order to be actionable."

Genachowski is coming under sharp criticism for his unauthorized action to unilaterally dismiss hundreds of thousands of complaints filed with the FCC concerning indecency by American citizens. "The FCC chairman has made this unilateral policy change without any input from the rest of the FCC, the Congress, or the public," says Dan Isett, director of public policy for the Parents Television Council.

"There has been a law in place regarding indecent material broadcast over the publicly owned airwaves since the dawn of the medium, almost 100 years," Isett



adds. "Now a single FCC chairman has made a de facto decision that there will be virtually no standard at all."

Penny Nance, President of Concerned Women for America, expressed alarm over the consequences of relaxing current indecency standards. "It is unfathomable to think the FCC actually wants to allow more filth, such as frontal female nudity, the F-bomb, and the "S" word during hours when our kids will be watching and listening."

Leading pro-family leaders have co-signed a letter to federal legislators calling on members of Congress to oppose the policy change. "The FCC has been derelict [in its duties] under the leadership of Chairman Julius Genachowski, having executed no enforcement actions during his tenure," the letter states.

The last study entitled "Sex on TV" conducted by the Kaiser



Family Foundation revealed that more than 70 percent of all shows on network television contained sexual content. More than 80 percent of parents believed that exposure to sexual content contributes to children becoming sexually active at any early age. Nearly 3 out of 4 adolescents agreed that sexual content on television has a significant influence on the sexual behavior of their peers.



"American society is moving further and further away from the Biblical standards of morality and decency set by God," says Don Wildmon, founder of the American Family Association. "Now we have to worry about what our children view in the supermarket checkout, in their school textbooks, and now even in their own homes on television and radio. It is essential that the FCC uphold high decency standards in entertainment in order to protect America's children and families."